

## ***ISSUES PENDING BEFORE THE CALIFORNIA SUPREME COURT IN CRIMINAL CASES***

*[These case summaries are made available to inform the public of the general subject matter in cases that the Supreme Court has accepted for review. The statement of the issue or issues in each case set out below does not necessarily reflect the views of the court, or define the specific issues that will be addressed by the court. This compilation is current as of Friday, December 23, 2016.]*

*People v. Adelmann*, S237602. (E064099; 2 Cal.App.5th 1188; Riverside County Superior Court; SWF1208202.) Petition for review after the Court of Appeal affirmed an order granting a petition to recall sentence. This case presents the following issue: If a case is transferred from one county to another for purposes of probation (Pen. Code, § 1203.9), must a Proposition 47 petition to recall sentence be filed in the court that entered the judgment of conviction or in the superior court of the receiving county?

*In re Albert C.*, S231315. (B256480; 241 Cal.App.4th 1436; Los Angeles County Superior Court; MJ21492.) Petition for review after the Court of Appeal modified and affirmed orders in a juvenile wardship proceeding. The court limited review to the following issues: (1) Did the juvenile court violate minor's due process rights by detaining him well past the 120-day limit established in the Los Angeles County Superior Court Juvenile Division's "Amended Competency to Stand Trial Protocol" (Protocol), without evidence of progress toward attaining competency? (2) Does a violation of the Protocol establish a presumption of a due process violation?

*People v. Aranda*, S214116. (E056708; 219 Cal.App.4th 764; Riverside County Superior Court; RIF154701.) Petition for review after the Court of Appeal affirmed an order dismissing one count and remanding for further proceedings. This case presents the following issue: Did the Court of Appeal err by holding that double jeopardy prevents retrial of defendant for first degree murder where the jury did not return a verdict on that offense and deadlocked on the lesser included offenses of second degree murder and voluntary manslaughter, because the trial court failed to afford the jury an opportunity to return a partial acquittal on the charge of first degree murder? (See *Blueford v. Arkansas* (2012) 566 U.S. \_\_ [132 S.Ct. 2044]; *Stone v. Superior Court* (1982) 31 Cal.3d 503.)

*People v. Arredondo*, S233582. (H040980; 245 Cal.App.4th 186, mod. 245 Cal.App.4th 777d; Santa Clara County Superior Court; C1363765, C1365187.) Petition for review after the Court of Appeal affirmed a judgment of conviction of criminal offenses. The court limited review to the following issues: (1) Did law enforcement violate the Fourth Amendment by taking a warrantless blood sample from defendant while he was unconscious, or was the search and seizure valid because defendant expressly consented to chemical testing when he applied for a driver's license (see Veh. Code, § 13384) or because defendant was "deemed to have given his consent" under California's implied consent law (Veh. Code, § 23612)? (2) Did the People forfeit their claim that defendant expressly consented? (3) If the warrantless blood sample was unreasonable, does the good faith exception to the exclusionary rule apply because law enforcement reasonably relied on Vehicle Code section 23612 in securing the sample?

*In re Butler*, S237014. (A139411; nonpublished order; Alameda County Superior Court; 91694B.) Petition for review after the Court of Appeal denied a motion to modify an order implementing a settlement agreement. This case presents the following issue: Should the Board of Parole Hearings be relieved of its obligations arising from a 2013 settlement to continue calculating base terms for life prisoners and to promulgate regulations for doing so in light of the 2016 statutory reforms to the parole suitability and release date scheme for life prisoners, which now mandate release on parole upon a finding of parole suitability?

*People v. Buycks*, S231765. (B262023; 241 Cal.App.4th 519, 241 Cal.App.4th 1168e; Los Angeles County Superior Court; 097755.) Review on the court's own motion after the Court of Appeal reversed in part and affirmed in part a judgment of conviction of criminal offenses. The court limited review to the following issue: Was defendant eligible for resentencing on the penalty enhancement for committing a new felony while released on bail on a drug offense even though the superior court had reclassified the conviction for the drug offense as a misdemeanor under the provisions of Proposition 47?

*People v. Buza*, S223698. (A125542; 231 Cal.App.4th 1446; San Francisco County Superior Court; 207818.) Petition for review after the Court of Appeal reversed a judgment of conviction of criminal offenses. This case presents the following issue: Does the compulsory collection of a biological sample from all adult felony arrestees for purposes of DNA testing (Pen. Code, §§ 296, subd. (a)(2)(C); 296.1, subd. (a)(1)(A)) violate the Fourth Amendment to the United States Constitution or article I, section 13, of the California Constitution?

*In re C.B.*, S237801. (A146277; 2 Cal.App.5th 1112; Contra Costa County Superior Court; J1301073.) Petition for review after the Court of Appeal affirmed an order granting a petition to recall sentence. This case presents the following issue: Did the trial court err by refusing to order the expungement of a juvenile's DNA record after his qualifying felony conviction was reduced to a misdemeanor under Proposition 47 (Pen. Code § 1170.18)?

*In re C.H.*, S237762. (A146120; 2 Cal.App.5th 1139; Contra Costa County Superior Court; J1100679.) Petition for review after the Court of Appeal affirmed an order granting a petition to recall sentence. This case presents the following issues: Did the trial court err by refusing to order the expungement of juvenile's DNA record after his qualifying felony conviction was reduced to a misdemeanor under Proposition 47 (Pen. Code § 1170.18)? Does the retention of juvenile's DNA sample violate equal protection because a person who committed the same offense after Proposition 47 was enacted would be under no obligation to provide a DNA sample?

*People v. Canizales*, S221958. (E054056; 229 Cal.App.4th 820; San Bernardino County Superior Court; FVA1001265.) Petition for review after the Court of Appeal affirmed in part and reversed in part judgments of conviction of criminal offenses. This case presents the following issue: Was the jury properly instructed on the "kill zone" theory of attempted murder?

*Caretto v. Superior Court*, S235419. (B265256; nonpublished opinion; Los Angeles County Superior Court; BA384603.) Petition for review after the Court of Appeal denied a petition for peremptory writ of mandate. This case presents the following issue: What is the value of an unused stolen debit card for the purpose of distinguishing between misdemeanor and felony receiving stolen property in violation of Penal Code section 496, subdivision (a)?

*People v. Chaney*, S223676. (C073949; 231 Cal.App.4th 1391; Amador County Superior Court; 05CR08104.) Petition for review after the Court of Appeal affirmed an order denying a petition to recall sentence. The court limited review to the following issue: Does the definition of "unreasonable risk of danger to public safety" (Pen. Code, § 1170.18, subd. (c)) under Proposition 47 ("the Safe Neighborhoods and Schools Act") apply retroactively to resentencing under the Three Strikes Reform Act of 2012 (Pen. Code, § 1170.126)? (See also *People v. Valencia*, S223825.)

*People v. Chatman*, S237374. (A144196; 2 Cal.App.5th 561; Alameda County Superior Court; C140542.) Petition for review after the Court of Appeal reversed an order denying a petition for a certificate of rehabilitation. This case presents the following issue: Does Penal Code section 4852.01 deny equal protection by making a former felony probationer, who was subsequently incarcerated on a new offense, ineligible for a certificate of rehabilitation, because a former felony prisoner, who was subsequently incarcerated on a new offense, is not ineligible?

*People v. Conteras*, S224564. (D063428; nonpublished opinion; San Diego County Superior Court; SCD236438.) Petition for review after the Court of Appeal remanded for resentencing and otherwise affirmed a judgment of conviction of criminal offenses. The court ordered briefing on the following issue: Is a total sentence of 50 years to life or 58 years to life the functional equivalent of life without the possibility of parole for juvenile offenders?

*People v. Corpening*, S228258. (D064986; nonpublished opinion; San Diego County Superior Court; SCS258343.) Petition for review after the Court of Appeal reversed a judgment of conviction of criminal offenses. This case presents the following issue: Did Penal Code section 654 bar the imposition of sentence for both robbery and carjacking when the two crimes were accomplished by a single act?

*People v. DeHoyos*, S228230. (D065961; 238 Cal.App.4th 363; San Diego County Superior Court; SCD252670.) Petition for review after the Court of Appeal affirmed a judgment of conviction of a criminal offense. This case presents the following issue: Does the Safe Neighborhood and Schools Act [Proposition 47] (Gen. Elec. (Nov. 4, 2014)), which made specified crimes misdemeanors rather than felonies, apply retroactively to a defendant who was sentenced before the Act's effective date but whose judgment was not final until after that date?

*People v. DeLeon*, S230906. (A140050; 241 Cal.App.4th 1059; Solano County Superior Court; FCR302185.) Petition for review after the Court of Appeal affirmed an order revoking parole. This case presents the following issue: In light of the changes made to the parole revocation process in the 2011 realignment legislation (Stats. 2011, ch. 15; Stats. 2012, ch. 43), is a parolee entitled to a probable cause hearing conducted according to the procedures outlined in *Morrissey v. Brewer* (1972) 408 U.S. 471 before parole can be revoked?

*People v. Enriquez*, S224724. (F065288, F065481, F065984; nonpublished opinion; Kern County Superior Court; BF137853A, BF137853B, BF137853C.) Petitions for review after the Court of Appeal affirmed judgments of conviction of criminal offenses. In this case in which review was previously granted and briefing was deferred pending further order of the court and decision in *People v. Elizalde* (2015) 61 Cal.4th 523 and *People v. Prunty* (2015) 62 Cal.4th 59, the court ordered briefing on the following issue: Did the Court of Appeal err in upholding the trial court's denial of defendants' *Batson/Wheeler* motions?

*People v. Estrada*, S232114. (B260573; 243 Cal.App.4th 336; Los Angeles County Superior Court; GA025008.) Petition for review after the Court of Appeal affirmed an order denying a petition to recall sentence. This case presents the following issue: Did the trial court improperly rely on the facts of counts dismissed under a plea agreement to find defendant ineligible for resentencing under the provisions of Proposition 36?

*Facebook, Inc. v. Superior Court*, S230051. (A144315; 240 Cal.App.4th 203; San Francisco County Superior Court; 13035657.) Petition for review after the Court of Appeal granted a petition for peremptory writ of mandate. This case presents the following issues: (1) Did the Court of Appeal properly conclude that defendants are not entitled to *pretrial* access to records in the possession of Facebook, Instagram, and Twitter under the federal Stored Communications Act (18 U.S.C. § 2701, et seq.) and *People v. Hammon* (1997) 15 Cal.4th 117? (2) Does an order barring pretrial access to the requested records violate defendants' right to compulsory process and confrontation under the Sixth Amendment or their due process right to a fair trial? (3) Should this court limit or overrule *People v. Hammon* (1997) 15 Cal.4th 117?

*People v. Farwell*, S231009. (B257775; 241 Cal.App.4th 1313; Los Angeles County Superior Court; TA130219.) Petition for review after the Court of Appeal affirmed a judgment of conviction of criminal offenses. This case presents the following issues: (1) Does the "totality of the circumstances" test apply in determining whether a defendant knowingly and voluntarily waived his constitutional rights before stipulating to an offense, if the record indicates that the trial court did not advise the defendant or obtain his waiver of rights at the time of the stipulation? (2) Under this test, are references to a defendant's constitutional rights during earlier stages of the proceedings and the defendant's criminal history sufficient to support the conclusion that the defendant knowingly and voluntarily waived those rights when entering into to the stipulation?

*People v. Franco*, S233973. (B260447; 245 Cal.App.4th 679; Los Angeles County Superior Court; VA125859.) Petition for review after the Court of Appeal affirmed a judgment of conviction of a criminal offense. This case presents the following issue: For the purpose of the distinction between felony and misdemeanor forgery, is the value of an uncashed forged check the face value (or stated value) of the check or only the intrinsic value of the paper it is printed on?

*People v. Frierson*, S236728. (B260774; 1 Cal.App.5th 788; Los Angeles County Superior Court; GA043389.) Petition for review after the Court of Appeal affirmed an order denying a petition to recall sentence. The court limited review to the following issue: What is the standard of proof for a finding of ineligibility for resentencing under Proposition 36? (See *People v. Arevalo* (2016) 244 Cal.App.4th 836; cf. *People v. Osuna* (2014) 225 Cal.App.4th 1020.)

*People v. Gallardo*, S231260. (B257357; nonpublished opinion; Los Angeles County Superior Court; VA126705.) Petition for review after the Court of Appeal affirmed in part and reversed in part a judgment of conviction of criminal offenses. The court limited review to the following issue: Was the trial court's decision that defendant's prior conviction constituted a strike incompatible with *Descamps v. U.S.* (2013) 570 U.S. \_\_ (133 S.Ct. 2276) because the trial court relied on judicial fact-finding beyond the elements of the actual prior conviction?

*People v. Garcia*, S218197. (H039603; 224 Cal.App.4th 1283; Santa Clara County Superior Court; C1243927.) Petition for review after the Court of Appeal affirmed a judgment of conviction of a criminal offense. This case presents the following issue: Are the conditions of probation mandated by Penal Code section 1203.067, subdivision (b), for persons convicted of specified felony sex offenses — including waiver of the privilege against self-incrimination, required participation in polygraph examinations, and waiver of the psychotherapist–patient privilege — constitutional?

*People v. Gonzales*, S231171. (D067544; 242 Cal.App.4th 35; Imperial County Superior Court; JCF32479.) Petition for review after the Court of Appeal affirmed the denial of a petition to recall sentence. This case presents the following issue: Was defendant entitled to resentencing under Penal Code section 1170.18 on his conviction for second degree burglary either on the ground that it met the definition of misdemeanor shoplifting (Pen. Code, § 459.5) or on the ground that section 1170.18 impliedly includes any second degree burglary involving property valued at \$950 or less?

*People v. Gonzalez*, S223763. (E059859; 232 Cal.App.4th 151; Riverside County Superior Court; INF1300854.) Petition for review after the Court of Appeal reversed an order dismissing counts in a criminal case. This case presents the following issue: Can nonverbal, threatening gestures constitute a “statement, made verbally, in writing, or by means of an electronic communication device” as required for making a criminal threat in violation of Penal Code section 422?

*People v. Gonzalez*, S234377. (B255375; 246 Cal.App.4th 1358; Los Angeles County Superior Court; YA076269.) Petition for review after the Court of Appeal modified and affirmed a judgment of conviction of a criminal offense. The court limited review to the following issue: Was the trial court’s failure to instruct on murder with malice aforethought, lesser included offenses of murder with malice aforethought, and defenses to murder with malice aforethought rendered harmless by the jury’s finding of a felony murder special circumstance?

*In re H.W.*, S237415. (C079926; 2 Cal.App.5th 937; Sacramento County Superior Court; JV137101.) Petition for review after the Court of Appeal affirmed orders in a juvenile wardship proceedings. This case presents the following issue: Did the Court of Appeal err in holding that a pair of pliers, which the defendant used to remove an anti-theft device from a pair of blue jeans in a department store, qualified as a burglary tool within the meaning of Penal Code section 466?

*People v. Hall*, S227193. (A141278; 236 Cal.App.4th 1124; Contra Costa County Superior Court; 51315225.) Petition for review after the Court of Appeal affirmed a judgment of conviction of a criminal offense. This case presents the following issues: (1) Are probation conditions prohibiting defendant from: (a) “owning, possessing or having in his custody or control any handgun, rifle, shotgun or any firearm whatsoever or any weapon that can be concealed on his person”; and (b) “using or possessing or having in his custody or control any illegal drugs, narcotics, narcotics paraphernalia without a prescription,” unconstitutionally vague? (2) Is an explicit knowledge requirement constitutionally mandated?

*People v. Hicks*, S232218. (B259665; 243 Cal.App.4th 343; Los Angeles County Superior Court; MA058121.) Petition for review after the Court of Appeal affirmed a judgment of conviction of criminal offenses. The court limited review to the following issue: Did the trial court err when it refused to inform the jury at the retrial of a murder charge that defendant had been convicted of gross vehicular manslaughter in the first trial? (Compare *People v. Batchelor* (2014) 229 Cal.App.4th 1102.)

*Hopkins v. Superior Court*, S237734. (B270503; 2 Cal.App.5th 1275; Los Angeles County Superior Court; BS160423.) Petition for review after the Court of Appeal granted a petition for peremptory writ of mandate. This case presents the following issue: Can a trial court grant pretrial diversion under Penal Code section 1001.80 on a charge of driving under the influence despite the ban on diversion in Vehicle Code section 23640?

*People v. Hopson*, S228193. (D066684; nonpublished opinion; Riverside County Superior Court; RIF1105594.) Petition for review after the Court of Appeal affirmed a judgment of conviction of a criminal offense. The court limited review to the following issue: Was defendant’s right of confrontation under the Sixth Amendment violated when the trial court permitted the prosecution to introduce out-of-court statements made by her deceased codefendant?

*Jackson v. Superior Court*, S235549. (E064010; 247 Cal.App.4th 767; Riverside County Superior Court; INF1500950.) Petition for review after the Court of Appeal denied a petition for writ of peremptory mandate or prohibition. This case presents the following issue: After an incompetent defendant has reached the maximum three-year commitment provided for by law, can the prosecution initiate a new competency proceeding by obtaining dismissal of the original complaint and proceeding on a new charging document?

*K.R. v. Superior Court*, S231709. (C079548; 243 Cal.App.4th 495; Sacramento County Superior Court; JV134953.) Petition for review after the Court of Appeal denied a petition for peremptory writ of mandate. This case presents the following issue: Was the juvenile entitled to a disposition hearing before the same judge who accepted his admissions to a criminal offense and probation violations even though he did not make an affirmative showing of individualized facts in the record establishing that this was an implied term of the plea agreement? (See *People v. Arbuckle* (1978) 22 Cal.3d 749.)

*In re Kirchner*, S233508. (D067920; 244 Cal.App.4th 1398; San Diego; C21804, CRN26291.) Petition for review after the Court of Appeal reversed an order granting relief on a petition for writ of habeas corpus. This case presents the following issue: When a juvenile offender seeks relief from a life-without-parole sentence that has become final, does Penal Code section 1170, subdivision (d)(2), which permits most juvenile offenders to petition for recall of a life-without-parole sentence imposed pursuant to Penal Code section 190.5 after 15 years, provide an adequate remedy under *Miller v. Alabama* (2012) 567 U.S. \_\_\_\_ [132 S.Ct. 2455], as recently construed in *Montgomery v. Louisiana* (2016) 577 U.S. \_\_\_\_ [136 S.Ct. 718]?

*People v. Lowe*, S215727. (D059007; 221 Cal.App.4th 1276; Riverside County Superior Court; RIF132717.) Petition for review after the Court of Appeal modified and affirmed a judgment of conviction of criminal offenses. This case presents the following issue: Does Penal Code section 296, which permits the collection of DNA from certain felony arrestees, violate the Fourth Amendment under the analysis of *Maryland v. King* (2013) \_\_ U.S. \_\_ [133 S.Ct. 1958]?

*People v. Maita*, S230957. (C074872; nonpublished opinion; El Dorado County Superior Court; P12CRF0509, P13CRF0072.) Petition for review after the Court of Appeal affirmed in part and reversed in part a judgment of conviction of criminal offenses. The court limited review to the following issue: In light of an amendment to Health and Safety Code section 11379 defining “transports” as transportation for sale (Stats. 2013, ch. 504, § 2), was defendant’s sentence improperly enhanced with a prior conviction for transporting a controlled substance?

*In re Martinez*, S226596. (D066705; nonpublished opinion; San Diego County Superior Court; SCD224457.) Petition for review after the Court of Appeal denied a petition for writ of habeas corpus. This case presents the following issue: Is petitioner entitled to relief under *People v. Chiu* (2014) 59 Cal.4th 155?

*People v. Martinez*, S219970. (E057976; 226 Cal.App.4th 1156; San Bernardino County Superior Court; FMB1200197.) Petition for review after the Court of Appeal affirmed in part and reversed in part a judgment of conviction of a criminal offense. This case presents the following issue: Can a defendant, who is convicted of hit-and-run and sentenced to prison rather than placed on probation, be required to pay restitution for the injuries the victim suffered in the collision?



*People v. Martinez*, S231826. (E063107; nonpublished opinion; Riverside County Superior Court; RIF136990.) Petition for review after the Court of Appeal affirmed an order granting in part and denying in part a petition to recall sentence. This case presents the following issue: Could defendant use a petition for recall of sentence under Penal Code section 1170.18 to request the trial court to reduce his prior felony conviction for transportation of a controlled substance to a misdemeanor in light of the amendment to Health and Safety Code section 11379 effected by Proposition 47?

*People v. Mateo*, S232674. (B258333; nonpublished opinion; Los Angeles County Superior Court; BA414092.) Petition for review after the Court of Appeal affirmed judgments of conviction of a criminal offense. This case presents the following issue: In order to convict an aider and abettor of attempted willful, deliberate and premeditated murder under the natural and probable consequences doctrine, must a premeditated attempt to murder have been a natural and probable consequence of the target offense? In other words, should *People v. Favor* (2012) 54 Cal.4th 868 be reconsidered in light of *Alleyne v. United States* (2013) \_\_\_ U.S. \_\_\_ [113 S.Ct. 2151] and *People v. Chiu* (2014) 59 Cal.4th 155?

*People v. Merritt*, S231644. (E062540; nonpublished opinion; San Bernardino County Superior Court; FVII300082.) Petition for review after the Court of Appeal reversed a judgment of conviction of criminal offenses. This case presents the following issue: Is the failure to instruct the jury on the elements of a charged offense reversible per se or subject to harmless error review? (See *Neder v. United States* (1999) 527 U.S. 1; *People v. Mil* (2012) 53 Cal.4th 400; *People v. Cummings* (1993) 4 Cal.4th 1233.)

*People v. Page*, S230793. (E062760; 241 Cal.App.4th 714; San Bernardino County Superior Court; FVII201369.) Petition for review after the Court of Appeal affirmed an order denying a petition to recall sentence. This case presents the following issue: Does Proposition 47 (“the Safe Neighborhoods and Schools Act”) apply to the offense of unlawful taking or driving a vehicle (Veh. Code, § 10851), because it is a lesser included offense of Penal Code section 487, subdivision (d), and that offense is eligible for resentencing to a misdemeanor under Penal Code sections 490.2 and 1170.18?

*People v. Patterson*, S225193. (E060758; nonpublished opinion; Riverside County Superior Court; RIF1201642.) Petition for review after the Court of Appeal affirmed a judgment of conviction of criminal offenses. This case presents the following issue: Was defendant entitled to withdraw his plea (Pen. Code, § 1018) because his trial counsel assertedly provided constitutionally inadequate assistance of counsel during plea negotiations by failing to investigate and advise defendant of the immigration consequences of his plea?

*In re Patterson*, S225194. Original proceeding. The court issued an order to show cause why petitioner is not entitled to relief due to alleged constitutionally inadequate assistance of counsel with respect to the immigration consequences of his plea.

*People v. Pennington*, S222227. (B249482; 229 Cal.App.4th 1376; Santa Barbara County Superior Court; 1423213.) Petition for review after the Court of Appeal affirmed a judgment of conviction of criminal offenses. The court limited review to the following issue: Did the People prove that the named victim, a harbor patrol officer for the City of Santa Barbara Waterfront Department, is a peace officer within the meaning of Penal Code section 243, subdivision (b), supporting defendant's conviction for battery on a peace officer?

*People v. Reese*, S230259. (B253610; 240 Cal.App.4th 592; Los Angeles County Superior Court; TA125272.) Petition for review after the Court of Appeal modified and affirmed a judgment of conviction of criminal offenses. The court limited review to the following issue: Did the trial court violate defendant's constitutional right to equal protection of the laws when it denied defendant's request for transcripts of the opening statements and closing arguments from defendant's first trial, which ended in a mistrial?

*In re Ricardo P.*, S230923. (A144149; 241 Cal.App.4th 676; Alameda County Superior Court; J14023676.) Petition for review after the Court of Appeal modified and affirmed orders in a juvenile wardship proceeding. This case presents the following issue: Did the trial court err by imposing an "electronics search condition" on the juvenile as a condition of his probation when that condition had no relationship to the crimes he committed but was justified on appeal as reasonably related to future criminality under *People v. Olguin* (2008) 45 Cal.4th 375 because it would facilitate the juvenile's supervision?

*Robinson v. Lewis*, S228137. (9th Cir. No. 14-15125; 795 F.3d 926; Eastern District of California; 2:13-cv-00604-WBS-AC.) Request under California Rules of Court, rule 8.548, that this court decide a question of California law presented in a matter pending in the United States Court of Appeals for the Ninth Circuit. The question presented, as restated by the court, is: "When a California court denies a claim in a petition for writ of habeas corpus, and the petitioner subsequently files the same or a similar claim in a petition for writ of habeas corpus directed to the original jurisdiction of a higher court, what is the significance, if any, of the period of time between the earlier petition's denial and the subsequent petition's filing (66 days in this case) for the purpose of determining the subsequent claim's timeliness under California law?"

*People v. Rodas*, S237379. (B255598; nonpublished opinion; Los Angeles County Superior Court; BA360125.) Petition for review after the Court of Appeal modified and affirmed a judgment of conviction of criminal offenses. The court limited review to the following issue: Did the trial court violate defendant's right to due process by failing to suspend proceedings after his attorney declared a doubt as to his competence?

*People v. Romanowski*, S231405. (B263164; 242 Cal.App.4th 151; Los Angeles County Superior Court; A064403.) Petition for review after the Court of Appeal reversed an order denying a petition to recall sentence. This case presents the following issue: Does Proposition 47 (“the Safe Neighborhoods and Schools Act”), which reclassifies as a misdemeanor any grand theft involving property valued at \$950 or less (Pen. Code, § 490.2), apply to theft of access card information in violation of Penal Code section 484e, subdivision (d)?

*People v. Ruiz*, S235556. (F068737; nonpublished opinion; F068737; VCF241607J.) Petition for review after the Court of Appeal modified and affirmed a judgment of conviction of criminal offenses. The court limited review to the following issue: May a trial court properly impose a criminal laboratory analysis fee (Health & Saf. Code, § 11372.5, subd. (a)) and a drug program fee (Health & Saf. Code, § 11372.7, subd. (a)) based on a defendant’s conviction for conspiracy to commit certain drug offenses?

*People v. Soto*, S236164. (H041615; 248 Cal.App.4th 884; Monterey County Superior Court; SSC120180.) Petition for review after the Court of Appeal affirmed a judgment of conviction of criminal offenses. The court limited review to the following issues: (1) Did the trial court err in instructing the jury? (2) If so, was the error prejudicial?

*People v. Superior Court (Morales)*, S228642. (E061754; 239 Cal.App.4th 93; San Bernardino County Superior Court; FVA015456.) Petition for review after the Court of Appeal granted a petition for peremptory writ of mandate. This case presents the following issue: Did the superior court have jurisdiction to order various entities to preserve materials that might at a later date be included in a motion for post-conviction discovery under Penal Code section 1054.9?

*People v. Superior Court (Sahlolbei)*, S232639. (E062380; nonpublished opinion; Riverside County Superior Court; INF1302523.) Petition for review after the Court of Appeal denied a petition for peremptory writ of mandate. This case presents the following issue: If an individual performing work for and on behalf of a public entity would qualify as an independent contractor for purposes of tort liability at common law, can that individual be subject to the criminal conflict-of-interest provisions of Government Code section 1090?

*People v. Superior Court (Smith)*, S225562. (G050827; nonpublished opinion; Orange County Superior Court; M-9531.) Petition for review after the Court of Appeal granted a petition for peremptory writ of mandate. The court limited review to the following issues: (1) Is an expert retained by the prosecution in a proceeding under the Sexually Violent Predator Act entitled to review otherwise confidential treatment information under Welfare and Institutions Code section 5328? (2) Is the district attorney entitled to review medical and psychological treatment records or is access limited to confidential treatment information contained in an updated mental evaluation conducted under Welfare and Institutions Code section 6603, subdivision (c)(1)?

*People v. Valencia*, S223825. (F067946; 232 Cal.App.4th 514; Tuolumne County Superior Court; CRF30714.) Petition for review after the Court of Appeal affirmed an order denying a petition to recall sentence. This case presents the following issue: Does the definition of “unreasonable risk of danger to public safety” (Pen. Code, § 1170.18, subd. (c)) under Proposition 47 (“the Safe Neighborhoods and Schools Act”) apply to resentencing under the Three Strikes Reform Act of 2012 (Pen. Code, § 1170.126)? (See also *People v. Chaney*, S223676.)

*People v. Valenzuela*, S232900. (D066907; 244 Cal.App.4th 692; San Diego County Superior Court; JCF32712.) Petition for review after the Court of Appeal affirmed a judgment of conviction of criminal offenses. This case presents the following issue: Is defendant eligible for resentencing on the penalty enhancement for serving a prior prison term on a felony conviction after the superior court had reclassified the underlying felony as a misdemeanor under the provisions of Proposition 47?

*People v. White*, S228049. (D060969; 237 Cal.App.4th 1087, mod. 238 Cal.App.4th 582a; San Diego County Superior Court; SCD228290.) Petition for review after the Court of Appeal affirmed in part and reversed in part a judgment of conviction of criminal offenses. This case presents the following issue: Was defendant properly convicted of both rape of an intoxicated person and rape of an unconscious person for a single act of sexual intercourse?